

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Oct 23, 2024**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Alvaro Gaitan

Case Number: 0980 1:19CR02043-SAB-1

Address of Offender: [REDACTED] Coeur d'Alene, Idaho 83815

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: August 19, 2020

Original Offense: Felon in Possession of Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 37 months  
TSR - 36 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 30 days  
(April 11, 2023) TSR - 35 months

Asst. U.S. Attorney: Michael Davis Murphy

Date Supervision Commenced: April 17, 2023

Defense Attorney: Juliana M. Van Wingerden

Date Supervision Expires: February 27, 2026

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**PETITIONING THE COURT**

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 07/05/2024.

On April 23, 2023, and April 8, 2024, the offender's conditions of supervised release were reviewed by the probation officer and he signed said conditions acknowledging an understanding of his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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6

**Mandatory Condition #1:** You must not commit another federal, state or local crime.

**Supporting Evidence:** The offender is alleged to have violated mandatory condition number 1, by committing the offenses of Possession of Marijuana Greater than Three Ounces, in violation of I37-2732(e); Drug Paraphernalia - Use or Possess with Intent to Use, in violation of I37-2734A(1); and False Information Provided to an Officer, in violation of I18-5413(1), on or about October 18, 2024.

On or about October 18, 2024, Mr. Gaitan was arrested by the Post Falls Police Department for possession of marijuana greater than 3 ounces, possession of drug paraphernalia and providing false information to an officer, Kootenai County Magistrate Court case number CR28-24-18075.

Prob12C

**Re: Gaitan, Alvaro**  
**October 22, 2024**  
**Page 2**

On October 21, 2024, Mr. Gaitan appeared for his arraignment in Kootenai County Magistrate Court. As of this writing, there are no future court dates scheduled.

According to Post Falls Police Department incident report number 24PF30945, on or about October 18, 2024, law enforcement conducted a traffic stop on a speeding vehicle. Upon contact with the occupants, the officer detected the odor of alcohol emanating from inside the vehicle. When the occupants were asked if they had been drinking, three of them admitted to consuming alcohol, including the individual in the front passenger seat who was later identified as Mr. Gaitan. When asked to provide his identification, Mr. Gaitan said he had none and proceeded to provide the officer with a false name. He eventually provided his true name, at which time officers confirmed he had an outstanding federal warrant.

During the contact, officers observed an open black satchel with a rubber tube inside. Mr. Gaitan had been wearing the satchel when the traffic stop was initiated and based on the officer's training and experience, that item was determined to be consistent with drug paraphernalia. A search of the satchel was conducted and located inside were three glass jars containing a brown sticky wax substance, a metal butter knife with a sticky wax substance on the end and rubber tubing with black residue inside. Two of the jars had a label indicating they contained THC. When Mr. Gaitan was questioned about the contraband seized from the satchel, he confirmed the items were marijuana related products that he had utilized the rubber tube to smoke THC wax. Subsequently, Mr. Gaitan was arrested and booked into custody at Kootenai County Jail.

During an inventory of the vehicle, officers discovered a black backpack that contained a large ziplock bag with a green leafy substance inside and a small glass container with a brown sticky wax substance. The officer determined that the items were consistent with marijuana and THC wax based on his training and experience. The backpack also contained a cellular telephone. When the officer attempted to open the phone to see who it belonged to, a Facebook account belonging to "Saucey" was located. It should be noted, the driver of the vehicle had informed officers that he only knew Mr. Gaitan by the nickname Saucey. The ziplock bag was found to contain approximately 232 grams of the green leafy substance, which later tested presumptive positive for marijuana. When Mr. Gaitan was questioned about the additional marijuana located in the black backpack, he responded, "it's all mine, I'm a huge stoner."

7

**Standard Condition #3:** You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

**Supporting Evidence:** The offender is alleged to have violated standard condition number 3, by leaving the judicial district without permission from the probation officer on or about October 18, 2024.

As noted in alleged violation number 6, the offender was arrested in Post Falls, Idaho, on or about October 18, 2024. He did not receive permission from the probation officer to leave the Eastern District of Washington.

Prob12C

**Re: Gaitan, Alvaro**  
**October 22, 2024**  
**Page 3**

- 8            **Special Condition #15:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is alleged to have violated special condition number 15, by ingesting a controlled substance, marijuana, on or about October 18, 2024.

As noted in alleged violation number 6, on October 18, 2024, law enforcement discovered marijuana and drug contraband located in Mr. Gaitan's possession. When questioned, Mr. Gaitan admitted to law enforcement that he had used the paraphernalia to smoke THC wax. According to the incident report, he made multiple admissions to law enforcement that he was a marijuana user.

- 9            **Special Condition #7:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** The offender is alleged to have violated special condition number 7, by consuming alcohol on or about October 18, 2024.

As noted in alleged violation number 6, Mr. Gaitan was contacted by law enforcement during a traffic stop on October 18, 2024. During that incident, the officer observed the odor of alcohol emanating from the vehicle. When questioned, Mr. Gaitan admitted he had consumed alcohol.

- 10           **Mandatory Condition #2:** You must not unlawfully possess a controlled substance, including marijuana, which remains illegal under federal law.

**Supporting Evidence:** The offender is alleged to have violated mandatory condition number 2, by possession marijuana on or about October 18, 2024.

As noted in alleged violation number 6, Mr. Gaitan was found in possession of marijuana on or about October 18, 2024. He also admitted to law enforcement that he possessed said substance.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:    October 22, 2024

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s/ Lori Cross

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Lori Cross  
U.S. Probation Officer

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Prob12C

**Re: Gaitan, Alvaro**

**October 22, 2024**

**Page 4**

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

10/23/2024

Date